

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

GREGORY KONRATH,)
)
Plaintiff,)
)
vs.) Case No. 1:17-cv-0051-TWP-MPB
)
CAROLYN “SUE” HOLDER,)
)
Defendant.)

Order Transferring Action to Northern District of Indiana

Plaintiff Gregory Konrath is incarcerated at the Westville Correctional Facility (“Westville”). He brings this action alleging that attorney Carolyn “Sue” Holder committed legal malpractice when she failed to have his divorce proceeding, including the determination of child support, transferred to Indiana from Illinois, resulting in an allegedly much higher child support determination. He alleges that he is a citizen of Illinois and alleges jurisdiction based on diversity of citizenship. 28 U.S.C. § 1332.

Ms. Holder lives and practices law in Lafayette, Indiana, which lies in Tippecanoe County. Mr. Tippecanoe County is in the Northern District of Indiana. 28 U.S.C. § 94(a). Here, the alleged conduct giving rise to the claim occurred, and the plaintiff and the defendant can be found, in the Northern District of Indiana. Under these circumstances, the appropriate venue for the action is the Northern District of Indiana. *See* 28 U.S.C. § 1391(b); 28 U.S.C. § 1404.

Mr. Konrath alleges that “[t]imely payment of the filing fee is not a judicial prerequisite.” Dkt. 1, p. 3. While that is true, the Court notes that Mr. Konrath has not paid the filing fee and he

is not entitled to proceed *in forma pauperis* in accordance with 28 U.S.C. § 1915(g). *See Konrath v. Bierzychudek, et al.*, 1:16-cv-3186-WTL-DKL (S.D.Ind. Dec. 29, 2016).

The above action is now **TRANSFERRED** to the United States District Court for the Northern District of Indiana, Hammond Division.

IT IS SO ORDERED.

Date: 1/10/2017

Distribution:

GREGORY KONRATH
254068
WESTVILLE CORRECTIONAL FACILITY
Inmate Mail/Parcels
5501 South 1100 West
WESTVILLE, IN 46391



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

NOTE TO CLERK: PROCESSING THIS DOCUMENT REQUIRES ACTIONS IN ADDITION TO DOCKETING AND DISTRIBUTION.